

REMARKS

The Office Action mailed June 18, 2003, has been carefully reviewed and the foregoing amendments and following remarks are made in response thereto. Claims 1–79 are canceled without prejudice to the underlying subject matter, and claims 80–115 are added. Support for the new claims may be found within the Specification, generally, on Pages 9 to 16 and within Figures 1, 2A, 2B, 2C and 2D. No new matter has been added. Thus, claims 80–115 are pending.

The Drawings are objected to under 37 C.F.R. § 1.83(a), as missing the “data controller” feature recited by the at least some of the claims. Claims 35, 37, 44, 46, 57, and 58 are objected to due to informalities. Claims 1–79 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 1–79 are rejected under 35 U.S.C. § 103(a) as being unpatentable over international patent application publication WO 97/26612 A1 to Peckover et al. (“Peckover”) in view of an online article entitled “Online College Applications, Pushing Out Paper,” by Robert Greene (“Greene”). Claims 1–79 are canceled without prejudice to the underlying subject matter, rendering these objections and rejections moot.

In view of the foregoing amendments and following remarks, the Applicants submit that new claims 80–115 are allowable, and respectfully request the Examiner to issue a notice to that effect.

The New Claims Are Allowable Over the Cited Art

Claim 80 is directed to a method for purchasing an item over a network and recites, in pertinent part, “receiving, from a data subject, an offer associated with a data recipient and a message including a network communication device software identifier” and “in response to a purchase reply received from the data subject, sending purchase transaction information to the data recipient.” Claims 92 and 104, directed to a computer readable medium and a system, respectively, recite similar subject matter. The Applicants submit that both Peckover and Greene fail to disclose these features.

Peckover discloses a system for electronic commerce having personal agents that represent consumers and providers in a “virtual marketplace.” Peckover’s system collects market information related to consumer demand while protecting the identity of consumers and

maintaining their privacy. *See*, Abstract; Summary of the Invention (Page 26, line 20 to Page 27, line 22). A major use of this system is "... to assist a consumer in locating information about a product that is advertised for sale. It need not be possible for the consumer to carry out the actual purchase within Agent System 10; it is only necessary that products be advertised within the system. However, when secure electronic transactions are available, it is anticipated that consumers will make actual purchases through the system" (emphasis added). *See*, Peckover at Page 53, Lines 18–23.

Thus, Peckover discloses a system which assists users in locating products for sale, but only anticipates that the sale may actually be consummated at some point in time in the future, i.e., "when secure electronic transactions are available." Other than this suggestion, Peckover is entirely silent on whether his system may actually be used to purchase items over a network. More particularly, Peckover fails to teach or suggest that an offer and a message may be received from a data subject, that the offer may be associated with a data recipient, or that the message may include a network communication device software identifier. Additionally, Peckover fails to disclose that purchase transaction information may be sent to the data recipient in response to a purchase reply received from the data subject. Greene, directed to online college applications, also fails to provide this missing subject matter.

Accordingly, the Applicants submit that the cited references fail to disclose "receiving, from a data subject, an offer associated with a data recipient and a message including a network communication device software identifier," or "in response to a purchase reply received from the data subject, sending purchase transaction information to the data recipient," as recited by claims 80, 92 and 104. Therefore, claims 80, 92 and 104 are allowable over the cited art. Claims 81–91, depending from claim 80, claims 93–103, depending from claim 92, and claims 105–115, depending from claim 104, are also allowable, at least for the reasons discussed above.

CONCLUSION

In view of the amendments and remarks submitted above, the Applicants respectfully submit that the present case is in condition for allowance. A notice to that effect would be greatly appreciated.

The Examiner is invited to contact the undersigned at (202) 220-4294 to discuss any matter concerning this application.

The Office is authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 11-0600.

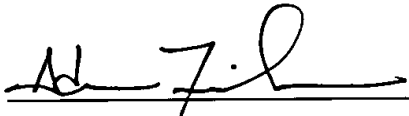
Respectfully submitted,

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